



# Southern Tier East Regional Planning Development Board

375 State Street • Binghamton, NY 13901 • Phone (607) 724-1327

Fax: (607) 724-1194 • E-mail: ste@steny.org • www.steny.org

Robert Augenstern, Director    Richard E. McCormick, Deputy Director

November 8, 2010

Water Docket  
Environmental Protection Agency (EPA)  
Mailcode: 28221T  
1200 Pennsylvania Ave., NW.  
Washington, DC 20460

**NOV 15 2010**

Re: Draft Total Maximum Daily Load (TMDL)

To Whom It May Concern:

Southern Tier East Regional Planning Development Board (STERPDB) recognizes the importance of a healthy and thriving Chesapeake Bay and commends the efforts to restoring the Bay's ecosystem. However, we feel that the EPA's draft TMDL is inequitable, unattainable, and threatens to be punitive to our State and our local economies. We support the position of the New York State Department of Environmental Conservation (NYS DEC) and its water quality partners, and their assessment as put forward in the draft Watershed Implementation Plan.

The communities of NYS that comprise the headwaters of the Susquehanna and Chemung River watersheds have long recognized their role as partners in the restoration of the Chesapeake Bay. In acknowledgment of that role, NYS has made great strides to improve water quality through stringent regulations and programs in the areas of stormwater pollution prevention and agricultural environmental management, exceeding those mandated by the federal government. As a result, NYS' water quality far exceeds that of other jurisdictions in the Chesapeake Bay watershed.

EPA's proposed TMDL imposes disproportionately heavy restrictions on NY; it penalizes. If other states reached the level of performance achieved in NY over the past decade for Nitrogen (N) and Phosphorous (P), there would be no need for a TMDL. Even if other states in the watershed achieve their mandated allocations, their water would still contain more N and P than NY at present.

The implementation of the TMDL will require NYS and local communities to embark on a project addressing agriculture, urban stormwater and wastewater treatment plants at a cost on the order of billions of dollars. This will have dramatic impacts on the economies of the Southern Tier. Farms will close due to the cost of compliance and

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economic development will be drastically hindered by an additional cost of doing business.

NYS has put forth a concerted effort to devise a draft Watershed Implementation Plan that sets forth goals to achieve realistic and attainable results, yet still has fallen short of the EPA's desired reductions. Due to the already low pollutant levels in NY these required reductions cannot be met, and therefore, the extreme expense associated with the mandates will be fruitless. Rather than imposing a penalty for the great strides that have been achieved, the successes that have been accomplished in NY should be held as a model for other jurisdictions in the Chesapeake Bay Watershed.

The restoration of the Chesapeake Bay requires the participation of all partners and jurisdictions located in the Bay watershed. In order to move forward in confidence, the TMDL load allocations need to be viewed as equitable, attainable and affordable by all parties involved.

Therefore, in regard to the establishment of the Chesapeake Bay TMDL in NYS, STERPDB stands by the assessment of the NYS DEC and its water quality partners as set forth in the draft Watershed Implementation Plan. Furthermore, we urge the EPA to work with NY to develop a plan that will restore the Bay in a manner that is not an unbearable burden on NYS communities.

Please keep in mind, for the Southern Tier region, and this is true for many of NYS' counties within the Chesapeake Bay watershed, six (6) out of eight (8) of the counties in STERPDB's region are within +/- 10,000 people of their total population at the time of the Civil War. This can not be said for other areas within the Chesapeake Bay. The growth there has been significant compared to NYS.

Thank you for your attention on this important matter.

Respectfully,



Robert Augenstern, Director  
Southern Tier East Regional Planning Development Board (STERPDB)  
375 State Street, 2<sup>nd</sup> Floor  
Binghamton, NY 13901  
(607) 724-1327 phone #  
(607) 724-1194 fax #